



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

DMP:ICR/NJM
F. #2015R01787

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June 12, 2017

By Hand and ECF

The Honorable Dora L. Irizarry
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Dan Zhong
Criminal Docket No. 16-614 (DLI)

Dear Chief Judge Irizarry:

Pursuant to the Court's order at the May 22, 2017 conference, the government provides the following report detailing the status of the production of unclassified discovery materials not subject to either (1) the government's filter team review of potentially privileged materials or (2) the March 21, 2017 Protective Order.

Following the May 22, 2017 conference, the government disclosed a second set of unclassified discovery, bringing the total volume of unclassified discovery produced to approximately 250,000 pages. This includes tens of thousands of pages of financial documents (many produced from the financial institutions in hard copy); more than 100,000 pages from entities associated with Liaoning Rilin Construction (Group) Co., Ltd. (the "Rilin entities"); government records; and other miscellaneous documents.

The government is today producing the vast majority of the remaining unclassified discovery materials currently in the possession of the prosecution team. The unclassified materials that remain to be produced (and to which the March 21, 2017 Protective Order does not apply) include a small number of records that the government is still working to collect from the United States Departments of State and Homeland Security; records sought from the Federal Reserve Bank of New York; documents that remain to be produced to the government by the Rilin entities and financial institutions; and data currently subject to review by the government filter team that was obtained through searches of electronic devices and email accounts of third parties.

The records from the United States Department of State, the United States Department of Homeland Security, and the Federal Reserve Bank of New York are not expected to be voluminous—analogous previous productions of similar records have totaled several hundred pages.

The financial institutions and the Rilin entities from which the government has requested records have described their productions to the government as nearly complete, or complete pending confirmation of any withheld privileged materials. Thus, the government does not anticipate that the volume of materials it will receive from those entities will be large.

As discussed in the letter from the government filter team, which is also being filed today, the volume of potentially discoverable data that the government has obtained from searches of third parties' electronic devices and email accounts is very large, but likely includes a significant amount of material that is neither relevant nor material to the defendant's prosecution, and thus not discoverable. After the government filter team provides non-privileged materials to the prosecution team, the prosecution team will promptly review those materials to identify discoverable information and will produce relevant discoverable material to the defendant on a rolling basis. As noted in the letter from the filter team, the prosecution team will endeavor to make a production of such discoverable non-privileged materials within 30 days. Although identifying these materials will require significant effort on the part of the prosecution team, the government anticipates that the volume of material ultimately produced from searches of third-party email accounts and electronic devices will be a relatively small part of the universe of potentially discoverable third-party data.

Respectfully submitted,

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